

Exhibit B

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Attorneys for Defendant
General Motors LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

WILLIAM D. PILGRIM, WALTER
GOETZMAN, JEROME E. PEDERSON,
MICHAEL FERNANDEZ, ROY
HALEEN, HOWARD KOPEL, ROBERT
C. MURPHY, MIKE PETERS,
CHRISTOPHER CONSTANTINE,
JOHN PARSONS, LYLE DUNAHOO,
AARON CLARK, EDWIN WILLIAM
KRAUSE, DAVID SHELDON, JARED
KILEY, JEFF KOLODZI, MORRIS
SMITH, ANDRES FREY, individuals, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

GENERAL MOTORS COMPANY LLC
and DOES 1-50 inclusive,

Defendants.

Case No. 2:15-cv-08047 JFW (Ex)

**STIPULATION FOR ENTRY OF
ORDER STAYING ACTION
PENDING RULING BY
BANKRUPTCY COURT**

Complaint Served: Oct. 23, 2015

Current Response Date: Feb. 3, 2016

Hon. John F. Walter

WHEREAS, plaintiffs filed their First Amended Complaint on December
22, 2016 in accordance with the parties' prior stipulation and order of the Court;

1 WHEREAS, defendant General Motors LLC (“New GM”), sued erroneously
2 herein as “General Motors Company LLC,” came into existence shortly before
3 July 10, 2009, the date on which it purchased certain assets of the former General
4 Motors Corporation (“Old GM”) free and clear of all of Old GM’s liabilities (with
5 limited exceptions) pursuant to an agreement (“Sale Agreement”) approved by the
6 United States Bankruptcy Court for the Southern District of New York
7 (“Bankruptcy Court”) under Section 363 of the Bankruptcy Code (“363 Sale”) by
8 Order of the Bankruptcy Court dated July 5, 2009 (“Sale Order”);

9 WHEREAS, all of the model year 2006, 2007, and 2008 vehicles, and some
10 or all of the 2009 vehicles that are the subject of individual plaintiffs’ allegations
11 were manufactured by Old GM (“Old GM Vehicles”);

12 WHEREAS, New GM, the defendant in this case, contends that most of the
13 claims asserted in plaintiffs’ First Amended Complaint are Retained Liabilities of
14 Old GM (as defined in the Sale Agreement) for which New GM has no
15 responsibility or liability to plaintiffs and that the Sale Order prohibits and enjoins
16 the assertion of such claims against New GM;

17 WHEREAS, New GM has asserted this contention in its counsel’s letters to
18 plaintiffs’ counsel dated October 28, 2015, December 15, 2015, and December 24,
19 2015;

20 WHEREAS, plaintiffs dispute New GM’s contention and contend that as a
21 result of specific knowledge by Old GM of the specific defect alleged herein by
22 plaintiffs and the alleged safety concerns raised by that defect, plaintiffs are
23 permitted by the reasoning of Judge Gerber’s order of April 15, 2015 (“Decision
24 on Motion to Enforce Sale Order”) to pursue “Independent Claims” for economic
25 loss to Old GM vehicles based on New GM conduct.

26 WHEREAS, paragraph 71 of the Bankruptcy Court’s Sale Order approving
27 the 363 Sale retained exclusive jurisdiction in the Bankruptcy Court to interpret
28 and enforce the provisions of the Sale Order;

1 WHEREAS, New GM on January 19, 2016 filed a motion in the Bankruptcy
2 Court seeking an order from the Bankruptcy Court, among other things, enforcing
3 the Sale Order and specifically enjoining and precluding plaintiffs from asserting
4 or prosecuting in this action any and all claims regarding Old GM Vehicles (*In re*
5 *Motors Liquidation Co.*, Case No. 09-50026 (MG) (Bankr. S.D.N.Y.), ECF
6 #13584) (“Motion To Enforce”);

7 WHEREAS, the hearing on the Motion To Enforce has been set on the
8 Bankruptcy Court’s docket for February 17, 2017;

9 WHEREAS, without conceding the validity of New GM’s position,
10 plaintiffs’ counsel agrees that it would promote judicial economy to permit the
11 Bankruptcy Court to hear and rule on the Motion To Enforce prior to any further
12 activity in this case;

13 IT IS HEREBY STIPULATED, by and between plaintiffs and New GM, by
14 and through their undersigned counsel, that the Court may enter its order as
15 follows:

16 1. This action shall be stayed pending the Bankruptcy Court’s final order
17 on the Motion To Enforce filed on January 19, 2016 in Case No. 09-50026 (MG),
18 *In re Motors Liquidation Co.* (Bankr. S.D.N.Y.), and any final appellate ruling
19 sought by either side;

20 2. The Scheduling Conference currently set for March 7, 2016 is
21 vacated, subject to being re-set by further order of the Court;

22 3. The stay would delay, until a date later set by the Court, a response by
23 plaintiffs to the Court’s Order (Docket no. 21) that plaintiffs file a “RICO Case
24 Statement.”

25 4. Plaintiffs shall have thirty days from and after the final Bankruptcy
26 Court order or final appellate ruling on the Motion To Enforce to file a further
27 amended complaint or to inform New GM that it will not be filing a further
28

1 amended complaint, and New GM shall have thirty days thereafter to answer,
2 move or otherwise respond.

3 DATED: January 22, 2016 ANDRE E. JARDINI
4 K.L. MYLES
5 KNAPP PETERSEN & CLARKE

6 *[s] Andre E. Jardini*

7 Attorneys for Plaintiffs

8 DATED: January 22, 2016 GREGORY R. OXFORD
9 ISAACS CLOUSE CROSE & OXFORD LLP

10 *[s] Gregory R. Oxford*

11 Attorneys for Defendant

12 **Attestation per L.R. 5-4.3.4(a)(2)(i)**

13 The undersigned hereby attests that that all signatories listed above concur in
14 this filing's content and have authorized the filing.

15 *[s] Gregory R. Oxford*

16 Attorneys for Defendant
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